

**SETTLEMENT AGREEMENT BETWEEN UNITED STATES AND JACK R. BENNETT**

WHEREAS, the United States of America contends that Jack R. Bennett committed violations of the Clean Water Act, 33 U.S.C. §§ 1251 et seq. by discharging pollutants from a point source into the jurisdictional waters of the United States on property owned by Jack Bennett located at 1406 U.S. Highway 117 between Old Highway 117 and U.S. Highway 117, approximately 0.5 miles south of N.C. State Road 1915, adjacent to the Neuse River in Goldsboro, North Carolina (the "Property").

WHEREAS, Jack R. Bennett has restored the property by removing the pollutants, earthen fill material and construction debris, that had been placed in wetlands on his property at issue on or before September 21, 2004.

WHEREAS, Jack R. Bennett denies liability for such alleged wrongdoing but desires to settle his civil liability in this matter by the payment of \$27,500 to the United States and the United States desires to accept such sum in full satisfaction of its civil claims against the defendant, it is hereby STIPULATED and AGREED as follows:

1. That defendant Jack R. Bennett agrees to pay a civil penalty in the amount of \$27,500 in full settlement of this matter, such payment to be made at the time of the execution of this agreement.

2. That the payment shall be applied as directed by the United States, shall be made by certified funds or money order, made payable to the "United States Department of Justice," and

delivered to the United States Attorney's Office, Civil Division, 310 New Bern Avenue, Federal Building Suite 800, Raleigh, N.C. 27601-1461.

3. That as further consideration for this settlement of claims, Jack R. Bennett shall execute a Conservation Declaration regarding a certain part of his property, approximately 2 acres adjacent to U.S. Highway 117 in Goldsboro as more fully described in the Conservation Declaration, and has agreed to preserve this wetland area in its natural condition as a condition of settlement as set forth more fully in the Conservation Declaration, attached hereto as Exhibit A. Said Conservation Declaration shall be recorded by Mr. Bennett within 30 days of this agreement becoming final.

4. That the areas preserved in the Conservation Declaration do not constitute all the jurisdictional waters and wetlands on the Property of Jack Bennett described herein. Jack Bennet acknowledges that other jurisdictional waters of the United States, including wetlands, exist on the property and Jack Bennett agrees to notify the U. S. Army Corps of Engineers prior to conducting any filling or dredging activities on the Property described herein that could adversely impact areas that constitute jurisdictional waters or wetlands.

5. That the Government shall accept this full payment and compliance with the above provisions, if made, in full satisfaction of all civil claims made, or which could have been made, against Jack R. Bennett and shall not civilly prosecute the defendant for

the alleged violations at issue.

6. That each party to this agreement shall bear its own costs.

7. The parties acknowledge that after the execution of this Settlement Agreement but before it becomes final, final approval by the United States is subject to requirements of 28 C.F.R. § 50.7, which provides for public notice and comment. The United States reserves the right to withhold or withdraw from this Settlement Agreement if the comments received disclose facts which lead the United States to conclude that the proposed settlement agreement is inappropriate, improper, or inadequate. The Defendant agrees not to withdraw from, oppose, or challenge any provision of this settlement agreement unless the United States has notified the Defendant in writing that it no longer supports entry of the Settlement Agreement.

8. That this written Settlement Agreement constitutes the full and complete agreement between the United States and defendant as to this civil matter, and there are no other terms and conditions of the agreement other than those stated herein.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2008.

GEORGE E. B. HOLDING  
United States Attorney

BY:

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NEAL I. FOWLER  
Assistant United States Attorney  
Civil Division

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JACK R. BENNETT